

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Michael P. Henderson,

Civil No. 06-3562 (DWF/AJB)

Petitioner,

v.

**ORDER ADOPTING THE  
REPORT AND RECOMMENDATION**

State of Minnesota,

Respondent.

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Michael P. Henderson, *Pro Se*, Petitioner.

Thomas R. Ragatz, Assistant Attorney General, Minnesota Attorney General's Office,  
counsel for Respondent.

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This matter is before the Court upon Petitioner Michael P. Henderson's ("Petitioner's") objections to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated September 6, 2006, recommending that Petitioner's application for a writ of habeas corpus be denied and that this action be summarily dismissed without prejudice for lack of jurisdiction.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and

precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Petitioner Michael P. Henderson's objections (Doc. No. 4) to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated September 6, 2006, are **DENIED**.

2. Magistrate Judge Arthur J. Boylan's Report and Recommendation dated September 6, 2006 (Doc. No. 3), is **ADOPTED**.

3. Petitioner Michael P. Henderson's application for a writ of habeas corpus, (Doc. No. 1), is **DENIED**.

4. Petitioner Michael P. Henderson's Motion to Grant Appropriate Relief (Doc. No. 5) is **DENIED** as moot.

5. This action is **SUMMARILY DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

Dated: October 4, 2006

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court